

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 4, “ADMINISTRATIVE ORGANIZATION”, §4-4, “FINANCE
DEPARTMENT”, CHAPTER 42, “FINANCE”, §§42-2, “REQUIRED SIGNATURES”,
42-3, “CERTIFICATION OF SIGNATURES”, 42-4, “AUTHORIZED SIGNATURES”,
AND 42-6, “AUTHORIZED SIGNATURES ON NONRESTRICTED DOCUMENTS”,
AND CHAPTER 69, “PURCHASING PROCEDURES” §§69-2, “MATERIALS
EXCLUDED” , 69-3, “RESPONSIBILITIES OF FINANCE DIRECTOR” AND 69-4
“PROFESSIONAL SERVICE CONTRACTS” TO CHANGE THE INDIVIDUALS WHO
ARE APPROVED SIGNATORIES FOR CERTAIN ACCOUNTS, EXCLUDE GOODS
AND SERVICES ACQUIRED FROM PRINCE GEORGE’S COUNTY FROM
PURCHASING PROCEDURES; CHANGE THE REQUIREMENTS FOR
PUBLICATION OF REQUIRED ADVERTISEMENTS FOR BIDS, SET THE
THRESHOLD AT WHICH THE COUNCIL MUST APPROVE CONTRACTS FOR
PROFESSIONAL SERVICE CONTRACTS AT \$30,000.00 AND REQUIRE REPORTING
OF CITY MANAGER APPROVED CONTRACTS TO COUNCIL ONLY WHEN
REQUESTED

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality’s property; and

WHEREAS, pursuant to §5-205 of the Local Government Article, Annotated Code of Maryland, the City of College Park also has the express power to expend municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants; and

WHEREAS, pursuant to this authority, the City enacted Chapter 4, “Administration”, Chapter 42, “Finance” and Chapter 69 “Purchasing Procedures” to establish the ways in which the City can acquire certain items, services and materials; and

WHEREAS, the Mayor and Council have determined there is a need to change the individuals who are approved signatories for certain accounts, exclude goods and services

CAPS
 [Brackets]
 Asterisks ***

: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

acquired from Prince George’s County from purchasing procedures; change the requirements for publication of required advertisement for bids, set the threshold at which the Council must approve contracts for professional service contracts at \$30,000.00 and to require reporting of City Manager approved contracts to Council only when requested.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 4 “Administrative Organization”, §4-4, “Finance Department” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§4-4. Finance Department.

The Finance Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and City Council and/or the City Manager:

A. - F. * * * *

G. Investments of City moneys made by the Finance Director and/or City Manager under the provisions of [~~Article 95, § 22~~] §17-101 *ET SEQ.*, of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland.

H. All of the several financial affairs and operations of the City as to collections.

(1) The Director is authorized to write off uncollectible accounts, defined as those that do not lend themselves to collection in an economically practicable way. Any such account balance in excess of [~~\$400~~] \$1,000.00 would require the written approval of the City Manager.

(2) Subject to review by the City Manager, the Director is authorized to establish collection procedures which will set appropriate levels of collection for various dollar amounts delinquent.

(3) Subject to review by the City Manager, the Director is authorized to negotiate payment terms with delinquent accounts, and this authorization extends to freezing additional penalties and/or interest if payments are received by the City as negotiated. Nothing herein shall be construed as authorizing forgiveness of any past due indebtedness or interest or penalties, unless such forgiveness of interest or lateness penalties is part of an advertised program of amnesty directed, not at an individual but at an inclusive group of code violators or an inclusive group of accounts for a given revenue source. Any such amnesty program shall be of limited duration, shall be effective for violations committed or delinquent accounts for a given revenue

CAPS/**BOLD** : Indicate matter added to existing law.
 [Brackets] : Indicate matter deleted from law.
 Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

source during a specified period of time and shall require the authorization of the City Manager.

I. * * * *

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, §42-2, “Authorized signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-2. Authorized signatures.

A. Authorized signatures on all checks drawn against the payroll account shall be those of the Finance Director countersigned by the City Manager, or, in the absence of either of the foregoing, payroll checks may be countersigned by the ~~[Mayor]~~ DEPUTY DIRECTOR OF FINANCE.

B. Authorized signatures for disbursements from all other accounts shall be those of the Finance Director countersigned by the ~~[Mayor]~~ CITY MANAGER, or, in the absence of either of the foregoing, all checks may be countersigned by the ~~[City Manager]~~ DEPUTY DIRECTOR OF FINANCE.

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article I, “Maintenance of bank accounts”, §42-3, “Certification of signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-3. Certification of signatures.

Signatures of the ~~[Mayor,~~ City Manager, FINANCE DIRECTOR and DEPUTY DIRECTOR OF Finance ~~Director]~~ shall be duly certified to the depositories, and no checks drawn against any account of the City of College Park shall be valid unless so signed and countersigned. These certifications shall remain in effect until written notice of any change in incumbent is duly served upon said depository.

CAPS/**BOLD** : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article II, “Short term notes; tax anticipation warrants”, §42-4, “Authorized signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-4. Authorized signatures

Any two of the following listed three City officials do represent the Mayor and Council and do have authority to sign and execute any short-term notes and/or anticipation warrants:

- A. The [~~Mayor~~] CITY MANAGER.
- B. The Finance Director.
- C. The [~~City Manager~~] DEPUTY DIRECTOR OF FINANCE.

Section 5. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article III, “Miscellaneous validations”, §42-6, “Authorized signatures on nonrestricted documents” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-6. Authorized signatures on nonrestricted documents.

A. The [~~Mayor, the~~] City Manager, THE FINANCE DIRECTOR and the [~~Finance~~] DEPUTY Director OF FINANCE are authorized to sign checks, savings withdrawal slips, certificates of deposit and any and all other financial instruments not specifically restricted to the signature of a designated official.

B. The signatures of any two of the above-named officials will validate such documents.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-2, “Materials excluded” of the Code of the City of College Park be, and is hereby, repealed, re-enacted and amended to read as follows:

CAPS/**BOLD** : Indicate matter added to existing law.
 [Brackets] : Indicate matter deleted from law.
 Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

§69-2. Materials excluded.

A. Items, services or materials of not more than \$30,000 in value and authorized in the Appropriation Ordinance for the current year may be purchased on negotiation at the direction of the City Manager in a manner approved by him/her. Items, materials or services obtained from utility companies having exclusive franchises in the area OR FROM PRINCE GEORGE’S COUNTY are excluded from the provisions of this chapter. Items, materials or services supplied to the City by a contractor or developer as part of a permit-approved improvement are not subject to the provisions of this chapter.

B. * * * *

C. Nothing in this section shall be deemed to require the City Manager to use another jurisdiction's bid process when purchasing items, services and materials. The City Manager retains the right to issue a request for proposals for all items, services and materials purchased by the City. Upon deciding to award a contract where the approval of the Mayor and Council is not required, the City Manager shall immediately notify the Mayor and Council of the purchase IF REQUESTED TO DO SO BY THE MAYOR AND COUNCIL. The notification shall contain:

- (1) A description of the item, service or material purchased;
- (2) The cost of the item, service or material;
- (3) Who is providing the item, service or material;
- (4) A description of the bid process used; and
- (5) A statement as to whether the successful bidder was the lowest most responsive and responsible bidder, and if not, why not.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-3, “Responsibilities of Finance Director” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§69-3. Responsibilities of Finance Director.

It shall be the responsibility of the Finance Director to provide for the direction of the purchasing function, as specified in the Administrative Ordinance.^[1] In that connection and under the general supervision of the City Manager, he/she shall:

A. * * * *

B. Provide notice [~~in at least one newspaper of general circulation in Prince George's County for~~] IN EMARYLAND MARKETPLACE a minimum of one week prior to the date set for the

CAPS/**BOLD** : Indicate matter added to existing law.
 [Brackets] : Indicate matter deleted from law.
 Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

opening of bids. Said notice shall include a brief description of the item or items to be bid, the time and location where specifications may be obtained for the item or items to be bid, the time and date on which sealed bids are to be received, the location to which bids are to be returned and any special conditions to which the item or items may be subject. The notice shall contain the time, date and location of the bid opening, and all such openings are to be public. The notice shall also contain the name of the authorizing officer.

C. - E. * * * *

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-4, “Professional service contracts” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§69-4. Professional service contracts.

A. - C. * * * * *

D. Nothing in this section shall be construed as limiting the power of the City Manager to negotiate for and purchase professional or other services of not more than ~~[\$7,500]~~ \$30,000.00 in value.

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:00 p.m. on the 10th day of November, 2015, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons

CAPS/BOLD : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on December 1, 2015 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 27th day of October, 2015.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 10th day of November 2015.

EFFECTIVE the 1st day of December, 2015.

ATTEST:


Janeen S. Miller, CMC, City Clerk

CITY OF COLLEGE PARK,


Andrew M. Fellows, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**


Suellen M. Ferguson, City Attorney